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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/719,314

11/20/2003

Allen Jacobs

37182-19

3078

7590

09/19/2005

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EXAMINER

LA, ANH V

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/719,314

Applicant(s)

JACOBS, ALLEN

Examiner

Anh V. La

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2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Marcus (US 4,734,862).

Regarding claim 1, Marcus discloses a traffic control system for coordinated operation of a plurality of traffic control lights and pedestrian advisory signs having potentially conflicting states, a malfunction management unit having input terminals for receiving control signals used to operate the traffic control lights and pedestrian advisory signs, monitoring means 8 for detecting a conflict between a flashing DON'T WALK input signal and at least one of the other traffic control signals (column 1, lines 15-39) and for generating a conflict signal response thereto, and an output coupled to the monitoring means for controlling the operation of an output relay used to transfer the operation of the traffic control lights to a flashing mode of operation when a conflict is detected (col. 1, lines 39-42).

Regarding claim 5, Marcus discloses a method of monitoring for conflicts between flashing DON'T WALK pedestrian advisory sign control signals and other control signals used to operate traffic control lights, comprising the steps of detecting a flashing DON'T WALK pedestrian advisory sign control signal, detecting the states of

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the other control signals, and generating a conflict signal when a conflict occurs between a flashing DON'T WALK signal and at least one of the other control signals (figures 1,2a, 2b, col. 1, lines 1-42).

Regarding claims 2 and 7, Marcus discloses a manually settable switch 10.

Regarding claims 3 and 10, Marcus discloses a display 14 (col. 6, lines 30-45).

Regarding claims 4 and 6, Marcus discloses the control signals being assigned to channels (see figure 4) and a plurality of display units assigned to different channels (col. 7, line 50- col. 8, line 50).

Regarding claims 8 and 9, Marcus discloses a delay means for establishing a minimum time period during which a conflict persists between a flashing DON'T WALK input signal and at least one of the other traffic control signals before permitting generation of the conflict signal (col. 1, lines 31-35).

Answers to Remarks

3. Applicant's arguments filed on June 30, 2005 have been fully considered.

Applicant has argued that Marcus does not disclose flashing DON'T WALK control signals. Applicant's arguments are not persuasive. Applicant's attention is directed to column 1, lines 31-40 where Marcus teaches that WALK and DON'T WALK signals are considered in a manner similar to that of colored traffic light signals. Also, it is old and well-known that DON'T WALK control signals is flashing.

In response to applicant's argument that switch 10 in the Marcus '862 serves an entirely different purpose, a recitation of the intended use of the claimed invention must

result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Applicant has argued that Marcus does not disclose a display for indicating whether the monitoring means is enabled. Applicant's arguments are not persuasive. Marcus discloses a display 14 for indicating whether the monitoring means is enabled in the abstract, column 3, line 60- col. 4, line 7, column 7, line 50- col. 8, line 43. It is clearly noted that the operation of the monitoring means 8 causes the display 14 to display information of the conflict.

Applicant has argued that Marcus does not disclose a plurality of display units assigned to different channels. Applicant's arguments are not persuasive. Marcus discloses a plurality of display units assigned to different channels in column 7, line 50- column 8, line 50.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANH V. LA
PRIMARY EXAMINER

Anh V La
Primary Examiner
Art Unit 2636

AI
September 02, 2005